



N.C. Department of Health  
and Human Services

# Guardianship Sub-Committee

## DMHDDDSAS

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# Medicaid Clinical Policy

- This policy applies to waiver participants ages 18 and older who live with a relative or legal guardian who is employed by a waiver provider agency.
- Relatives are defined as individuals related by blood or marriage to the waiver participant. The relative must live in the home of the waiver participant. Excluded from this policy are the following relatives: biological or adoptive parents of a minor child, stepparents of a minor child or the spouse of a waiver participant.
- Residential Supports may not be provided by parents, step parents or adoptive parents of adult participants or by other individuals residing in the adult individual's natural home.
- Employers of Record and Managing Employers participating in the Individual Family Directed option may not be employed to provide waiver services.



# Medicaid Clinical Policy

- The waiver services that may be provided under this policy are:
- In-home skill building;
- In-home intensive supports;
- Residential supports; and
- Personal care.
- It is recommended that relatives residing in the home of the recipient provide no more than 40 hours per week of services to the person. If additional hours are requested to be provided by relatives residing in the home of the recipient then justification needs to be provided as to why other providers are not available and assurances of provider choice and that the individual will not be isolated from their community.



# Medicaid Clinical Policy

- The PIHP ensures compliance with the conditions of this policy through a prior approval process. The PIHP provides an increased level of monitoring for services delivered by relatives/legal guardians. Services delivered by relatives/legal guardians are monitored monthly. Care Coordinators monitor through on-site monitoring and documentation review to ensure that payment is made only for services rendered and that the services are furnished in the best interest of the individual.
- The ISP contains documentation that the waiver participant is in agreement with the employment of the relative and has been given the opportunity to fully consider all options for employment of non-related staff for waiver service provision.



# Medicaid Clinical Policy

- The relative or legal guardian will not be reimbursed for any activity that they would ordinarily perform or are responsible to perform.
- Provider agencies, Employers of Record and Agency with Choice in conjunction with the Managing Employer monitor the relative or legal guardian's provision of the service, on site a minimum of one time per month.



## DHHS Recommendation

- Due to workforce shortages, DHHS is concerned that a prohibition on Guardians who are relatives could lead to families not being able to obtain quality services for their loved ones.
- Instead of a categorical prohibition, DHHS believes a more flexible approach, employing a combination of permission for these groups to provide services along with more stringent oversight standards, would both guard against abuse while also ensuring quality services.